

EXECUTIVE ORDER No.2005 – 24

STATE OF DISASTER TEMPORARY SUSPENSION OF REQUIREMENTS RELATING TO PRESCRIPTION DRUGS

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, the destruction caused by Hurricane Katrina in the Gulf Coast region has resulted in numerous fatalities, injuries, and major devastation in the States of Alabama, Louisiana, and Mississippi;

WHEREAS, on September 4, 2005, Executive Order 2005-21 proclaimed a State of Disaster in the State of Michigan to activate this state's emergency management plan and enable Michigan to continue providing mutual aid and other state assets for Hurricane Katrina relief efforts;

WHEREAS, on September 7, 2005, the President of the United States declared that an emergency existed in the State of Michigan and ordered federal aid to supplement state and local response efforts to assist evacuees from the area struck by Hurricane Katrina and to provide emergency assistance to those areas beginning on August 29, 2005, and continuing;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, upon declaring a State of Disaster, the Governor may seek and accept assistance, either financial or otherwise, from the federal government, pursuant to federal law or regulation;

WHEREAS, under the Emergency Management Act, 1976 PA 390, MCL 30.401 to 30.421, upon the declaration of a State of Disaster the Governor also may suspend a regulatory statute, order, or rule prescribing the procedures for conduct of state business, when strict compliance with the statute, rule, or order would prevent, hinder, or delay necessary action in coping with the disaster;

WHEREAS, significant relief efforts are necessary to protect the public health, to preserve public safety, and to restore the social and economic welfare of persons impacted by the storm;

WHEREAS, many individuals affected by Hurricane Katrina have sought relief and assistance in the State of Michigan;

WHEREAS, some of the individuals seeking assistance have a continuing need for prescription medication that had been duly prescribed by licensed physicians in the States of Alabama, Louisiana, and Mississippi, but records of such prescriptions are unavailable as a result of the storm and its impact;

WHEREAS, appropriate measures must be taken in response to the disaster to ensure that those individuals whose prescriptions were lost or destroyed, or whose records are not available, will be able to continue to receive prescribed medications to assure their health, safety, and welfare;

NOW, THEREFORE, I, JENNIFER M. GRANHOLM, Governor of the State of Michigan, pursuant to the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

1. Subdivision (e) of Section 17763 of the Public Health Code 1978 PA 368, MCL 333.17763(e), and associated state regulations are suspended. Pharmacies and pharmacists licensed in this state may, in the exercise of their professional judgment, refill controlled substance prescriptions issued by licensed physicians in the States of Alabama, Louisiana, and Mississippi.
2. Subsection (1) of Section 17751 of the Public Health Code, 1978 PA 368, MCL 333.17751(1) and

associated state regulations are suspended. Pharmacies and pharmacists licensed in this state may, in the exercise of their professional judgment, fill or dispense up to a 30-day supply of a non-controlled substance prescription for which a patient from the States of Alabama, Louisiana, or Mississippi affected by Hurricane Katrina does not have a refill prescription.

3. Those portions of Subsection (4) of Section 7333 and Subdivision (1)(a) of Section 7405 Public Health Code, 1978 PA 368, MCL 333.7333(4) and 333.7405(1)(a) related to the prohibition against refilling prescriptions for controlled substances without a refill prescription and associated state regulations are suspended. Pharmacies and pharmacists licensed in this state may, in the exercise of their professional judgment, refill schedule 3, 4, and 5 controlled substance prescriptions for up to a 30-day supply without a refill prescription.

The Department of Community Health is responsible for coordinating the implementation of this Order.

This Order is effective until the expiration of the State of Disaster declared under Executive Order 2005-21, including any extensions of the State of Disaster.

Given under my hand and the Great Seal of the State of Michigan this 20th day of September in the year of our Lord, two thousand and five.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE